

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON DIVISION

| | | |
|--------------------------------------|---|--------------------------------|
| Christopher Demont Owens, |) | |
| |) | Civil Action No.: 8:09-278-GRA |
| Plaintiff, |) | Order |
| vs. |) | |
| |) | |
| SCDC; Warden McCall; Asst. Warden |) | |
| Claytor; Asst. Warden Mauney; Major |) | |
| Bush; Lt. FNU Monroe; Sgt. NFN |) | |
| Cotter; Lt. NFN Haroff; Investigator |) | |
| NFN Shugart; STG Investigator NFN |) | |
| Pearson; Officer NFN McBee; Officer |) | |
| NFN Dillard; Nurse Jean Rutledge; |) | |
| Nurse Amy Enloe; Dr. Alewine; |) | |
| Director Jon Ozmint; and Food |) | |
| Supervisor Bob Olson, |) | |
| |) | |
| Defendants. |) | |
| _____ |) | |

This matter comes before the Court to review Magistrate Judge Hendricks' Report and Recommendation, filed on October 22, 2009. For the reasons stated herein, this Court adopts the magistrate's Report and Recommendation in its entirety.

Defendants removed this case to federal court on February 3, 2009, stating federal question jurisdiction. On June 5, 2009, Defendants filed a Motion for Summary Judgement. On June 8, 2009, pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1979), the magistrate advised Plaintiff of the summary dismissal procedure and the possible consequences if he failed to respond adequately. After being granted a time extension, Plaintiff filed a Response in Opposition on July 13,

2009. The magistrate recommends granting Defendants' Motion for Summary Judgement and dismissing with prejudice Plaintiff's complaint.

Plaintiff brings this claim *pro se*. This Court is required to construe *pro se* pleadings liberally. Such pleadings are held to a less stringent standard than those drafted by attorneys. *Gordon v. Leeke*, 574 F.2d 1147, 1151 (4th Cir. 1978). This Court is charged with liberally construing a pleading filed by a *pro se* litigant to allow for the development of a potentially meritorious claim. *Boag v. MacDougall*, 454 U.S. 364, 365 (1982).

The magistrate makes only a recommendation to this Court. The recommendation has no presumptive weight, and responsibility for making a final determination remains with this Court. *Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). This Court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is made, and this Court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). This Court may also "receive further evidence or recommit the matter to the magistrate with instructions." *Id.* In the absence of specific objections to the Report and Recommendation, this Court is not required to give any explanation for adopting the recommendation. *Camby v. Davis*, 718 F.2d 198 (4th. Cir. 1983). Plaintiff has made no objections to the magistrate's Report and Recommendation.

Conclusion

After a thorough review of the record, magistrate's Report and Recommendation, and the relevant case law, this Court finds that the magistrate applied sound legal principles to the facts of this case. Therefore, this Court adopts the magistrate's Report and Recommendation in its entirety.

IT IS THEREFORE SO ORDERED THAT Defendant's Motion for Summary Judgement is GRANTED and Plaintiff's complaint is DISMISSED with prejudice.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read "G. Ross Anderson, Jr.", written over a horizontal line.

G. Ross Anderson, Jr.
Senior United States District Judge

Anderson, South Carolina
December 8, 2009

NOTICE OF RIGHT TO APPEAL

Pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure, Plaintiff has the right to appeal this Order within thirty (30) days from the date of its entry. Failure to meet this deadline, as modified by Rule 4 of the Federal Rules of Appellate Procedure, **will waive the right to appeal.**